

1 **Education and Workforce Development Cabinet**

2 **Kentucky Board of Education**

3 **Department of Education**

4 **(Amended After Comments)**

5 **704 KAR 3:035. Annual professional development plan.**

6 RELATES TO: KRS 156.095, 158.070

7 STATUTORY AUTHORITY: KRS 156.070, 156.095, 158.070(5)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.095 requires the Kentucky Board
9 of Education to establish, direct, and maintain a statewide program of professional

10 development[training,] with the purpose of the program being the improvement of instruction in

11 the public schools. KRS 158.070(5) requires the state board to promulgate administrative

12 regulations establishing guidelines and procedures to be followed for the approval of the

13 professional development activities **four (4) days of the minimum school term which are**

14 **mandated to be** utilized by each local school district for professional development activities for

15 **the professional staff** teachers. This administrative regulation establishes the requirements for

16 the annual professional development plan.

17 Section 1. Definitions. (1) "Comprehensive School Improvement Plan" is defined in 703 KAR

18 5:225, Section 1 [~~"High-quality professional development" means those experiences that~~

19 ~~systematically, over a sustained period of time, enable educators to facilitate the learning of~~

20 ~~students by acquiring and applying knowledge, understanding, skills, and abilities that address~~

21 ~~the instructional improvement goals of the school district, the individual school, or the individual~~

1 professional growth needs of the educator.

2 (2) "Improvement plan" means a product that clearly identifies how assessment, planning,
3 implementation, and evaluation are to be accomplished in the school or district relative to
4 established standards, goals, or objectives for improvement].

5 (2)[(3)] "Needs assessment" means the gathering, sorting, and analysis of student, educator, and
6 system data that lead to conclusions regarding the need for content and learning designs for
7 professional development in identified areas related to educator performance and student
8 achievement.

9 (3) "Professional development" means professional learning that is an individual and collective
10 responsibility, that fosters shared accountability among the entire education workforce for
11 student achievement, and:

12 (a) Aligns with Kentucky's Core Academic Standards in 704 KAR 3:303, educator effectiveness
13 standards, individual professional growth goals, and school, school district, and state goals for
14 student achievement;

15 (b) Focuses on content and pedagogy, as specified in certification requirements, and other related
16 job-specific performance standards and expectations;

17 (c) Occurs among educators who share responsibility for student growth; [Occurs among
18 educators who share accountability for student growth;]

19 (d) Is facilitated by school and district leaders, including curriculum specialists, principals,
20 instructional coaches, competent and qualified third-party facilitators, mentors, teachers or
21 teacher leaders;

22 (e) Focuses on individual improvement, school improvement, and program implementation; and
23 (f) be on-going. [Occurs several times per week.]

(4) "Professional development program" means a sustained, coherent, relevant, and useful professional learning ~~[a sustained and coherent professional learning]~~ process~~[of professional development]~~ that is measurable by indicators and includes professional learning and ongoing support to transfer that learning to practice~~[may be composed of several initiatives]~~.

Section 2. Each local school and district shall develop a process to plan~~[for the development of]~~ a professional development plan [program] that meets~~[. This process shall lead to a program of high quality professional development experiences that the school and district will provide for its instructional and administrative staff within]~~ the goals~~[as]~~ established in KRS 158.6451 and in the local needs assessment. A school professional development plan [program] shall be incorporated into the school improvement plan and made public prior to the implementation of the~~[school]~~ program. The local district professional development plan [program] shall be incorporated into the district improvement plan and posted to the local district Web site prior to the implementation of the plan [program].

Section 3. Each school and local district professional development plan [program] ~~[improvement plan]~~ shall contain~~[meet]~~ the following six (6) elements~~[standards related to the professional development program]~~:

- (1) ~~[There is a]~~Clear statement of the school or district mission;
- (2) ~~[There is]~~Evidence of representation of all persons affected by the professional development program;
- (3) ~~[Application of]~~Needs assessment analysis~~[is evident]~~;
- (4) Professional development objectives that are focused on the school or district mission and derived from needs assessment, and specify changes in educator practice needed to improve student achievement; and

(5) ~~The professional development program and implementation strategies are designed to support school or district goals and objectives; and~~

(6) ~~A process for evaluating professional development experiences for their impact on student learning and using evaluation results to improve~~ improving professional learning ~~development initiatives is incorporated in the plan~~.

Section 4. (1) The school or district improvement plan shall, in compliance with KRS 158.6451, address professional learning required to improve instruction ~~for any instructional improvement or training needs that are in accordance with the goals as established in KRS 158.6451~~.

(2) ~~High-quality~~ Professional development ~~experiences~~ shall:

(a) Be related to the teachers' instructional assignments and the administrators' professional responsibilities; ~~Experiences shall support the local school's instructional improvement goals; and~~

(b) Be aligned with the school or district improvement plan or the individual professional growth plans of teachers;

(c) Occur within learning communities committed to continuous improvement, collective responsibility, and goal alignment;

(d) Be facilitated by skillful leaders who develop capacity and advocate and create support systems for professional learning;

(e) Be prioritized and monitored by the district;

(f) Use a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning;

(g) Integrate theories, research, and models of human learning to achieve its intended outcomes;

(h) Apply current research on systems change and sustain support for implementation of

1 professional learning for long-term instructional improvement as evidenced by student growth;
2 (i) Align its outcomes with educator performance and student curriculum standards; and
3 (j) Focus resources on areas of identified need.
4 (3)[Experiences for] Professional development[credit of classroom teachers] shall not supplant
5 any of the six (6) hour instructional day.
6 (4) A district may report flexible professional development[experiences] on unpaid[,]
7 noncontact[snw] days. This shall require a district calendar change and the change shall be
8 reported to the Department of Education.
9 (5) Professional development[experiences] that relates[relate] to an individual professional
10 growth plan may be used to satisfy the requirements for certification or renewal options as
11 established by the Kentucky Education Professional Standards Board in Title 16 KAR.
12 (6)(a) Professional development grant dollars may reimburse college or graduate course tuition
13 expended[be used for college or graduate course tuition reimbursement] for a teacher to deepen
14 content knowledge and content-specific pedagogy in[specific academic subject content areas in]
15 math, science, English/language arts, social studies, arts and humanities, and practical living and
16 career studies, if[for which] the teacher is assigned to teach in those areas.
17 (b) The use of professional development funds for tuition reimbursement[this purpose] shall be
18 specified in the district improvement plan approved by the school board or the school plan
19 approved by the school council as to funds under its control.
20 (c) Particular content areas and grade levels, which qualify for reimbursement, may be specified
21 based upon information about the level of academic preparation of the teacher employed, local
22 student performance data, and student learning needs[instructional need].
23 (7) Professional development credit shall not be awarded for those experiences that provide

1 remuneration beyond travel, food, lodging or tuition.

2 (8) A school district implementing a flexible professional development schedule shall award
3 professional development credit for any experience that addresses the goals of the school or
4 district improvement plan or the individual professional growth plans of teachers.

5 (9) Parent-teacher conferencing skill development shall be permissible as a professional
6 development experience.

7 Section 5. The Qualifications and Duties of the District Professional Development Coordinator.

8 (1) Qualifications for the position of district professional development coordinator shall include:

9 (a) A staff member meeting the certification requirement for a professional development
10 coordinator as established by the Education Professional Standards Board in 16 KAR 4:010;

11 (b) A demonstrated ability to work with schools to plan, design, implement, and evaluate
12 professional development that aligns with the requirements of this administrative
13 regulation~~[Experience in professional development planning]~~; and

14 (c) A demonstrated ability to work with schools to connect professional development with
15 effective instructional practices and student achievement data.

16 (2) Duties of the district professional development coordinator shall include:

17 (a) Facilitating analysis of student, educator, and system data to conduct~~[Conducting]~~ the district
18 professional development needs assessment;

19 (b) Coordinating the intradistrict alignment of professional learning to achieve identified goals~~[,]~~
20 and objectives~~[, and experiences]~~ for professional development;

21 (c) Building capacity of school leaders, school council members, and other school and district
22 leaders to plan, access resources, implement, and evaluate professional learning~~[Providing~~
23 ~~technical assistance to school councils, staff and professional development committees in the~~

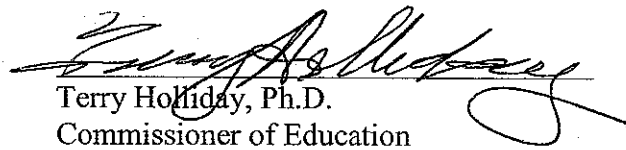
- 1 alignment of professional development experiences with school goals as identified through the
2 local school improvement planning process];
- 3 (d) Disseminating professional development information to school councils, staff members, and
4 professional development committees;
- 5 (e) Providing technical assistance to school councils on scheduling to allow for job-embedded
6 professional learning opportunities [during the school day];
- 7 (f) Coordinating the planning, implementation, and evaluation of the district professional
8 development plan [program] that is aligned, supportive of, and developed in conjunction
9 with[local] school improvement plans;[(f) Upon request by a school council or school staff,
10 providing technical assistance on the evaluation and coordination of school-based professional
11 development experiences;]
- 12 (g) Coordinating the establishment of local policies, procedures, timetables,[preparation of]
13 necessary forms and letters, assignment of workshop sites and all other practical elements of
14 professional development[training], including fiscal management;
- 15 (h) Maintaining, verifying, and, if appropriate, submitting district and school professional
16 development records, documentation, and other pertinent information to the Department of
17 Education;
- 18 (i) Explaining the district's professional development plan's [program] objectives, results, and
19 needs to school professionals, district staff, [the] board members, civic and parent groups,
20 teacher training institutions and others as requested;[and]
- 21 (j) Maintaining[a professional] contact with the Department of Education and other agencies
22 involved in providing professional development; and
- 23 (k) Identifying, selecting, coordinating and evaluating the services of third-party professional

- 1 development providers~~[experiences]~~.
- 2 Section 6. A maximum of fifteen (15) percent of the district's professional development grant
- 3 may be used for administrative purposes.
- 4 Section 7. When implementing professional development plans ~~[programs]~~ under KRS
- 5 158.070, a local school or district shall adhere to its school or district improvement plan.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

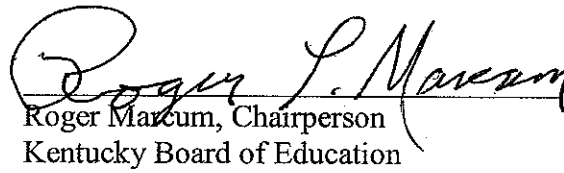
10-15-13

(Date)


Terry Holliday, Ph.D.
Commissioner of Education

10-15-13

(Date)


Roger Marcum, Chairperson
Kentucky Board of Education

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 704 KAR 3:035

Agency Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 156.095 requires the Kentucky Board of Education to establish, direct, and maintain a statewide program of professional development with the purpose of the program being the improvement of instruction in the public schools.

(b) The necessity of this administrative regulation: This administrative regulation establishes the requirements for the district annual professional development plan. The professional development outlined in the district plan along with what teachers receive related to their individual growth plan is crucial in improving student performance.

(c) How this administrative regulation conforms to the content of the authorizing statute: KRS 156.095 requires the Kentucky Board of Education to establish, direct, and maintain a statewide program of professional development with the purpose of the program being the improvement of instruction in the public schools. This regulation amends that statewide program.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: In order to enable the Kentucky Board of Education to properly review and approve the activities districts are providing for teachers, an annual professional development plan, from school districts, is necessary.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The definition of professional development has been replaced with the definition recommended by the Professional Learning Task Force. Kentucky's current professional development standards are replaced with new research-based standards. Terminology was updated to bolster consistency.

(b) The necessity of the amendment to this administrative regulation: A comprehensive, sustained, and intensive approach to professional learning is necessary to support the state's College and Career Readiness agenda for students, teachers, and leaders.

(c) How the amendment conforms to the content of the authorizing statute: KRS 156.095 requires the Kentucky Board of Education to establish, direct, and maintain a statewide program of professional development with the purpose of the program being the improvement of instruction in the public schools. The amendment clarifies the kinds of experiences that should be provided in a professional development plan in order to increase student achievement.

(d) How the amendment will assist in the effective administration of the statutes: Districts will be provided with the most up-to-date and research-based standards to ensure that professional learning is leading to instructional change and, in turn, to increased student performance.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 173 school districts.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Each entity will discover the difference between the former professional development standards and the new professional development standards. Free modules are posted online, for access by each entity, to provide information about the standards and instruct how they may be translated into practice. The expectation is that professional learning education providers and consumers will ensure that all professional learning conforms to the new professional development standards.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to districts.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): A comprehensive, sustained, and intensive approach to professional learning will be guided by the new standards. This is necessary to support the state's College and Career Readiness agenda for students, teachers, and leaders.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: what are the costs? The work to develop tools and guidance to support for implementation of the new professional development standards is supported by private foundations through work with Learning Forward. Therefore, no additional cost will be incurred by the agency at this time.

(b) On a continuing basis: No additional cost will be incurred, beyond the appropriation for professional development. Resources will be provided through the Continuous Improvement Technology System.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: To support district access to high quality professional development resources, Title II and Race to the Top 3 monies will be used. Private foundation monies are being used to develop guidance and tools for districts to support the implementation of the new professional learning standards.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: KDE will include, in its budget request, a call for more money to implement this regulation for the purpose of providing high quality professional development resources.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation establishes no fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate because the administrative regulation applies equally to all schools and districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 704 KAR 3:035

Contact Person: Kevin C. Brown

Phone number: (502) 564-4474

- (1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? 173 schools districts.
- (2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.095 requires the Kentucky Board of Education to establish, direct, and maintain a statewide program of professional development with the purpose of the program being the improvement of instruction in the public schools. KRS 158.070(5) requires the Kentucky Board of Education to promulgate administrative regulations to establish guidelines and procedures to be followed for the approval of the professional development activities utilized by each local school district.
- (3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
 - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated as a result of this administrative regulation.
 - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated as a result of this administrative regulation.
 - (c) How much will it cost to administer this program for the first year? There will be no additional cost to the agency the first year.
 - (d) How much will it cost to administer this program for subsequent years? No additional cost will be incurred, beyond the appropriation for professional development. Resources will be provided through the Continuous Improvement Technology System.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

**STATEMENT OF CONSIDERATION
RELATING TO 704 KAR 3:035
Annual Professional Development Plan**

**Kentucky Department of Education
Office of Next Generation Learners**

Amended After Comments

1. A public hearing was scheduled on the above regulation on August 30, 2013 at 10:00 a.m. Eastern Time, in the State Board Room, Kentucky Department of Education, 500 Mero Street, 1st Floor, Frankfort, Kentucky, but was cancelled when no one indicated that they wanted to speak.

2. The following individuals submitted written comments:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Mary Ann Blankenship, Executive Director	Kentucky Education Association (KEA)
Stephanie Winkler, President	Kentucky Education Association (KEA)

3. The following people from the promulgating administrative body responded to the written comments:

<u>Name and Title</u>
Kevin C. Brown, General Counsel/Associate Commissioner, Office of Guiding Support Services
David Wickersham, Assistant General Counsel, Office of Guiding Support Services
Robin Chandler, Policy Advisor, Office of Next Generation Learners
Karen Kidwell, Director, Program Standards, Office of Next Generation Learners

Summary of Comments and Responses

1. Subject Matter: Professional Learning and the school council
KEA

(a) Comment: The commenters stated that the proposed changes to 704 KAR 3:035 violate KRS 160.345 (2)-(3), which provides that the school councils are to adopt policies that govern most operations of the school, including professional development. The commenters expressed concern that new professional development programs are being required at schools in derogation of school council authority.

(b) Response: The agency recognizes the authority of school councils as provided by KRS 160.345. The amendment of the regulation does not decrease the authority of school councils. The regulation is consistent with local control of the responsibility for planning professional learning experiences that meet the standards enumerated in 704 KAR 3:345 Section 1(a) – (f).

In an effort to guide the decisions and practices of all persons with the responsibility to fund, regulate, manage, conceive, organize, implement, and evaluate professional learning, the regulation describes the attributes of effective professional learning. The regulation provides parameters for those wishing to increase the effectiveness of professional learning, but does not prescribe specific professional learning events, structures, or plans.

The commenters submit that Board of Education of Boone County vs. Bushee, 889 S.W.2d 809 (Ky. 1994), stands for the proposition that no agency (such as the Kentucky Department of Education) in the executive branch of state government has the authority to use its regulatory power to change the statutory governance model established in KRS 160.345. The agency respectfully disagrees that the holding of Bushee restricts the agency's authority to the extent proposed by the commenters.

The General Assembly has required the agency, through KRS 156.095, to establish, direct, and maintain a statewide program of professional development to improve instruction in the public schools. The holding in Bushee focused on the grant of authority to school councils made through KRS 160.345 and the inability of school districts to require school councils to submit their exercises of KRS 160.345 power to the district for review and approval, where no such requirement was provided in statute.

Bushee does not address purported conflict between the statewide program required by KRS 156.095 and local governance as contemplated by KRS 160.345. The Court in Bushee noted that the case did not address the division of responsibility that exists between the state and local levels. Bushee does not provide rules of decision that dictate that the agency abdicate its statutory obligations and defer to a school council on the establishment, direction, and maintenance of a statewide program of professional development.

In response to these comments, and to promote clarity and consistency with KRS 156.095, KRS 160.345, and Bushee, the agency will replace the word "program" with "plan."

2. Subject Matter: The phrase "several times per week"
KEA

- (a) Comment: The commenters expressed concern that the use of the phrase "several times per week" in the proposed amendment to the regulation introduces a new requirement that would force school councils to restructure and extend the workday for teachers and local school administrators.
- (b) Response: The amendment of the regulation is not intended to force changes in every schedule for every teacher. Rather, the amendment is intended to acknowledge that educators regularly focus intentional efforts upon planning, analyzing student work, reflecting on instructional practices, engaging with peers in collaborative professional learning, and designing learning experiences that meet the needs of students. Each of

these activities is a form of professional learning, and should be recognized and prioritized as such.

The theme of time recurred during the Professional Learning Task Force (PLTF) meetings of 2012. KEA was represented in March 8, April 25, June 26, September 12 and October 24, 2013 PLTF meetings. Members of the Commissioner's Teacher Advisory Committee (composed of classroom teachers) attended the September and October PLTF meetings. The PLTF recommended amendment to KRS 156.095, which amendment has not occurred. The agency then proposed to amend this regulation to contain the general requirements, but not the time requirements, proposed by the PLTF.

In response to these comments, and to clarify the intent of the amendment of the regulation, the agency will replace "several times per week" with "be ongoing."

3. Subject Matter: Shared accountability for student growth
KEA

- (a) Comment: The commenters stated that the educators providing input into Kentucky's Professional Growth and Effectiveness System (PGES) have rejected the idea of "shared accountability," which phrase appears in the proposed amendment to the regulation.
- (b) Response: The agency's use of the word "accountability" in the proposed amendment to the regulation was not intended to convey or imply the formal accountability that has been deliberated during the development of the Professional Growth and Effectiveness System.

The agency intended to emphasize the sharing of responsibility, and to thereby acknowledge that when educators learn and work together to meet the needs of each student, better results are achieved. This choice of words was consistent with the literature of the field of professional learning.

The theme of collaboration recurred during the PLTF meetings of 2012. KEA was represented in March 8, April 25, June 26, September 12, and October 24, 2012 PLTF meetings. The minutes of those meetings reflect discussion of the importance of collaboration to meet the needs of students.

The Standards for Professional Learning from Learning Forward, the international association solely focused on effective professional learning practices, elaborates:

"Within learning communities, peer accountability rather than formal or administrative accountability ignites commitment to professional learning. Every student benefits from the strengths and expertise of every educator when communities of educators learn together ... the more one educator's learning is shared and supported by others, the more quickly the culture of continuous improvement, collective responsibility, and high expectations for students and educators grow."

In response to these comments, the agency will clarify its intent by replacing the word "accountability" with "responsibility."

4. Subject Matter: Recommend language for Section 1 (4).
KEA

- (a) Comment: Commenters suggested the addition of the words “relevant” and “useful” to the phrase “sustained and coherent.”
- (b) Response: The agency agrees with these valuable comments, and will add the suggested language.

5. Subject Matter: School improvement plans
KEA

- (a) Comment: The commenters stated that by requiring, in Sections 2 and 4, that schools and districts incorporate their professional development plans into their school and school district improvement plans, the agency is overstepping its authority.

The commenters stated that 703 KAR 5:225 vests development of comprehensive district and school improvement plans in school councils, and not in the Kentucky Board of Education.

- (b) Response: The agency has carefully considered these comments. KRS 156.095 (5) states as follows:

The department [Kentucky Department of Education] shall assist districts and school councils with the development of long-term school and district improvement plans that include multiple strategies for professional development based on the assessment of needs at the school level.

The statute thus anticipates that school and district improvement plans will include strategies for professional development, and compels the agency to assist districts and school councils with the development of those plans. The agency cannot discharge its statutorily imposed obligation to ensure that school and district improvement plans include strategies for professional development without reviewing those plans to determine whether they contain the required elements. The incorporation of professional development plans through Sections 2 and 4 of the amended regulation complies with the agency’s obligations under KRS 156.095. No changes will be made in response to these comments.

The present version of the regulation requires alignment of professional development with the school or district improvement plan or with individual professional growth plans of teachers. The agency has not proposed to change to this portion of the regulation.

6. Subject Matter: Role of Professional Development Coordinator
KEA

- (a) Comment: The commenters stated that the professional development coordinator is a resource to the schools and their district, and can only perform services upon request by the school council or district employees.
- (b) Response: The agency has carefully considered and researched these comments. KRS 156.095 (2) (a) directs that the duties of the position of professional development

coordinator shall be established by the Kentucky Board of Education through the promulgation of administrative regulations. KRS 156.095 does not restrict the services of a professional development coordinator as suggested by the commenters.

The regulation does not redefine and restrict the role of the professional development coordinator to that of a resource person who disseminates professional development information and provides technical assistance upon request. Instead, the professional development coordinator is to ensure the quality of information and guidance and to thereby promote optimal conditions for all educators to grow. By focusing on standards-based practices, data, resources, learning designs, implementation, and outcomes, the professional development coordinator will provide essential information and leadership to districts, SBDM councils, and individual teachers.

No changes will be made in response to these thoughtful comments.

7. Subject Matter: Four (4) days of professional development for education personnel
KEA
 - (a) Comment: Commenters stated that the proposed deletion of the reference to the required "four (4) days of the minimum school term which are mandated" does not and cannot remove that requirement from KRS 156.095. Commenters added that removing the words "education personnel" and replacing those words with "teachers" does not affect the statutory requirement that other professional staff and education personnel be provided professional development.
 - (b) Response: The agency has carefully considered these valuable comments and agrees that the proposed deletions do not affect statutory requirements. In response to these comments, and to promote clarity, the agency will restore the statutory reference.
8. Subject Matter: Appropriate facilitators for professional development
KEA
 - (a) Comment: Commenters noted the importance of qualified and competent presenters to facilitate professional development programs.
 - (b) Response: In reviewing this positive comment, the agency determined that third-party facilitators were omitted from the list of facilitators in Section 1 (3) (d), and the regulation has been amended to include such parties.
9. Subject Matter: Professional development, the work day, and the instructional day
KEA
 - (a) Comment: Commenters stated that sections 1 (3) (f), 4 (3), and 5 (2) (e) restructure and extend the workday of teachers and local administrators, and make educators participate in professional development meetings before, during, and after the instructional day.

(b) Response: The agency has carefully considered these comments. The concern raised regarding Section 1 (3) (f) was addressed in Subject Matter 2 of this Statement of Consideration. Both the present and amended versions of the regulation, in Section 4 (3), state that professional development shall not supplant any of the six (6) hour instructional day. Section 5 (2) (e) of proposed amendment, in discussing the duties of the district professional development coordinator, lists "[p]roviding technical assistance to school councils on scheduling to allow for job-embedded professional learning opportunities during the school day."

While the regulation does not discuss the workday of teachers, to eliminate possible confusion, and to accommodate the statewide practice whereby districts arrange workdays inconsistently, the agency has removed the phrase "during the school day" from Section 5 (2) (e) of the regulation.

Summary of Statement of Consideration Action Taken by Promulgating Administrative Body

The Kentucky Department of Education has responded to comments from the public regarding proposed amendments to 704 KAR 3:035. Comments requested the addition of specific language, and the replacement of other language. In many instances, the language provided by commenters was adopted.

Commenters stated that the administrative regulation was attempting to limit the authority granted to school councils in KRS 160.345. The use of the word "program" instead of "plan" led the commenters to believe that the agency was requiring the use of a professional development program designed by the agency in each school. To avoid confusion, the word "program" will be replaced with "plan".

Commenters expressed concern that the use of the phrase "occurs several times per week" in the administration regulation would extend the work day for teachers and administrators. To avoid confusion, the agency is replacing the phrase "occurs several times per week" with "be ongoing."

In response to concerns about the use of the phrase "shared accountability," and a suggestion that this phrase might be misconstrued as the accountability implicated in teacher evaluation, the agency has substituted the word "responsibility" for "accountability."

Commenters recommended that "relevant and useful" be added to a statement describing professional development, and this addition has been made.

Commenters expressed concern that school councils have the authority over the development of school improvement plans and that the amended regulation mandates what will be in a Comprehensive School Improvement Plan. Because the agency is mandated, by KRS 156.095, to ensure that a Comprehensive School Improvement Plan includes strategies for professional development, the regulation was not amended in response to these comments.

Commenters expressed concern that the amended regulation expands the role of the Professional Development Coordinator. Commenters suggested that the role of the Professional Development Coordinator should be limited to the performance of services upon the request of the school council. Because KRS 156.095 (2) (a) gives the Kentucky Board of Education the authority to define the duties of the Professional Development Coordinator, the regulation was not amended in response to these comments.

Commenters expressed concern that the proposed amendment to the regulation removed a reference to the four days of required professional development, and that the agency was removing a statutory requirement without statutory change. In response to these comments, and to alleviate confusion, the agency will restore the statutory reference.

Commenters stated that the substitution of the term "teacher" for "professional staff" was too narrow. In response to these comments, the agency has removed this proposed change.

Commenters noted the absence of competent and qualified “third party facilitators” from the list of facilitators for professional development. In response to these comments, the agency has added that reference.

Commenters stated that schools are statutorily required to have six (6) hours of instruction, that professional development cannot supplant instruction, and suggested that the phrase “during the school day” would introduce confusion. In response to these comments, the agency has removed the phrase “during the school day.”

The agency proposes the following amendments after comments:

Page 1

Necessity, Function, and Conformity

Line 13

After “development activities”, restore “four (4) days of the minimum school term which are mandated to be”.

Page 1

Necessity, Function, and Conformity

Line 14-15

After “professional development activities for”, restore “the professional staff”.
Delete “teachers.”

Page 2

Section 1(3) (c)

Line 17

After (c), insert “Occurs among educators who share responsibility for student growth”.
Delete “Occurs among educators who share accountability for student growth;”

Page 2

Section 1(3) (d)

Line 20

After “instructional coaches”, insert “competent and qualified third-party facilitators”.

Page 2

Section 1(3) (f)

Line 23

After (f), insert “be on-going”.
Delete “Occurs several times per week.”

Page 3

Section 1(4)

Line 1

After “means”, insert “a sustained, coherent, relevant, and useful professional learning”.
Delete “a sustained and coherent professional learning”.

Page 3

Section 2

Line 6

After "professional development", insert "plan".
Delete "program".

Page 3

Section 2

Line 9

After "professional development", insert "plan".
Delete "program".

Page 3

Section 2

Line 11

After "professional development", insert "plan".
Delete "program".

Page 3

Section 2

Line 13

After "implementation of the", insert "plan".
Delete "program".

Page 3

Section 2

Line 14

After "professional development", insert "plan".
Delete "program".

Page 7

Section 5(2) (e)

Line 6

Delete "during the school day".

Page 7

Section 5

Line 8

After "development", insert "plan".
Delete "program".

Page 7

Section 5

Line 18

After "professional development programs", insert "plan's".
Delete "program".

Page 8

Section 7

Line 4

After "professional development programs", insert "plans".
Delete "programs".